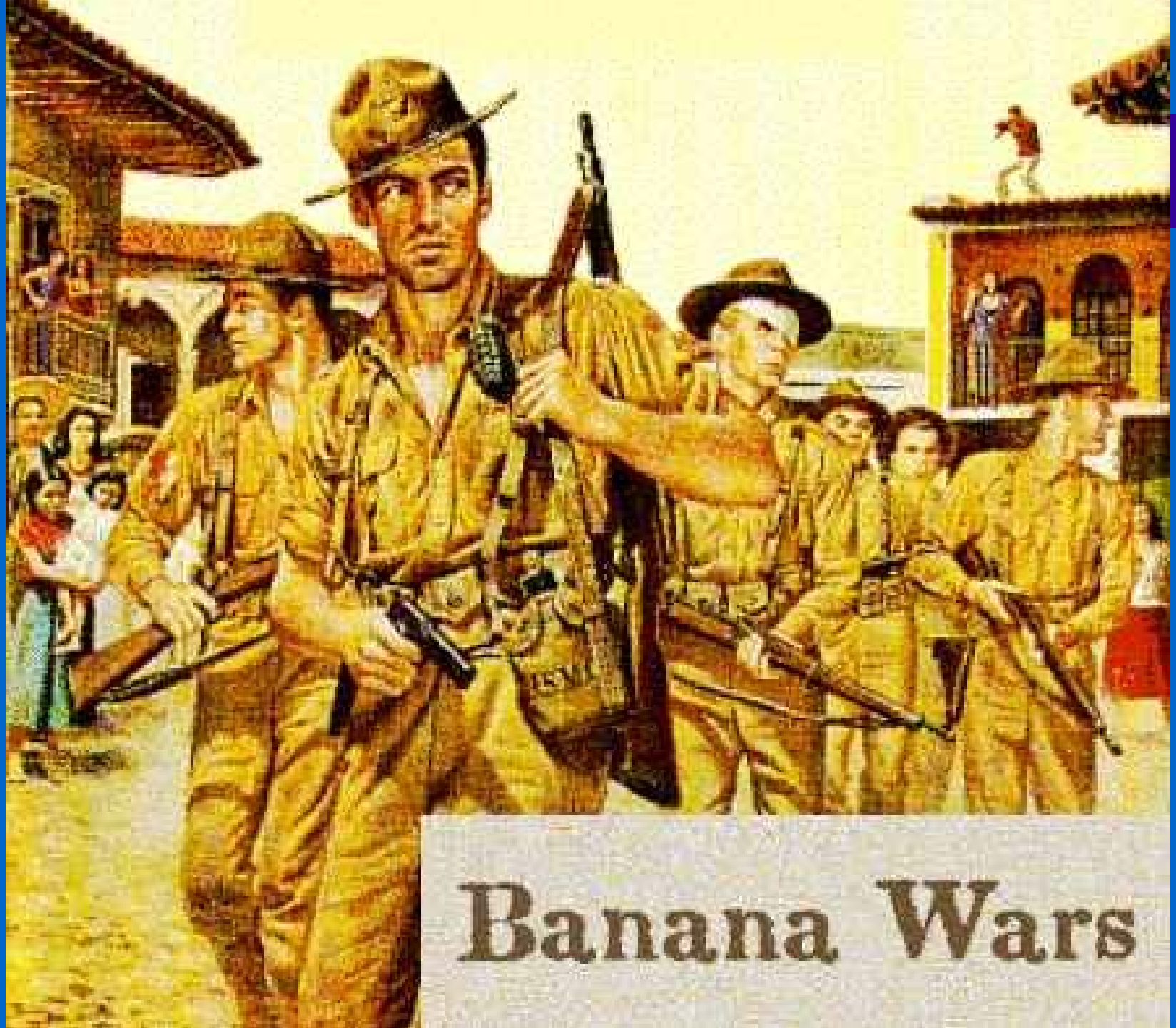
Detainee Operations

Operation Iraqi Freedom - II


Banana Wars

U.S. Marines in Nicaragua

1898-99, 1907, 1910 & 1912-33

Marines in Nicaragua during 1932 Presidential Election.

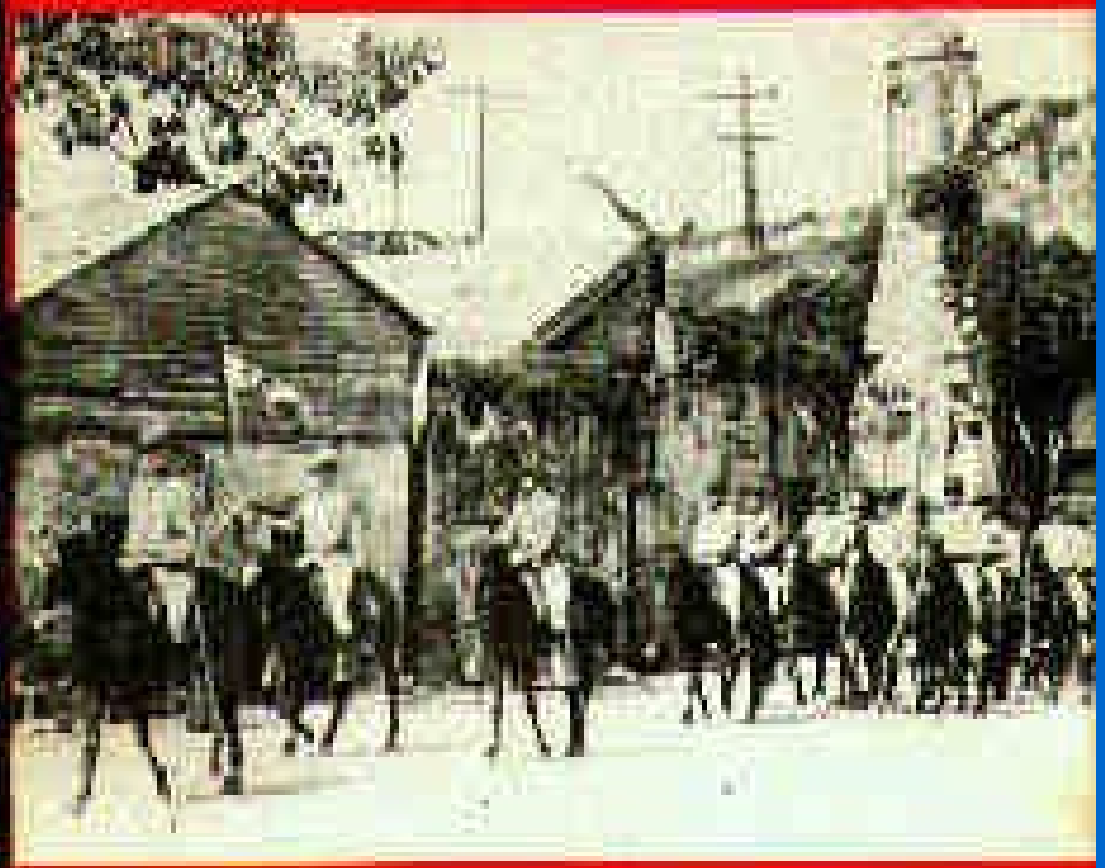
Description: "One of our speed cars mounted with Heavy Browning Machine Guns to offset any possibility of rioting during the 1932 Presidentail Elections in Nicaragua." Capt Charles Davis.

Unloading Supplies at Managua, Nicara

Marines Disarming Rebels at Tipitapa, Nicaragua

Looking for bandits, Haiti, 1916

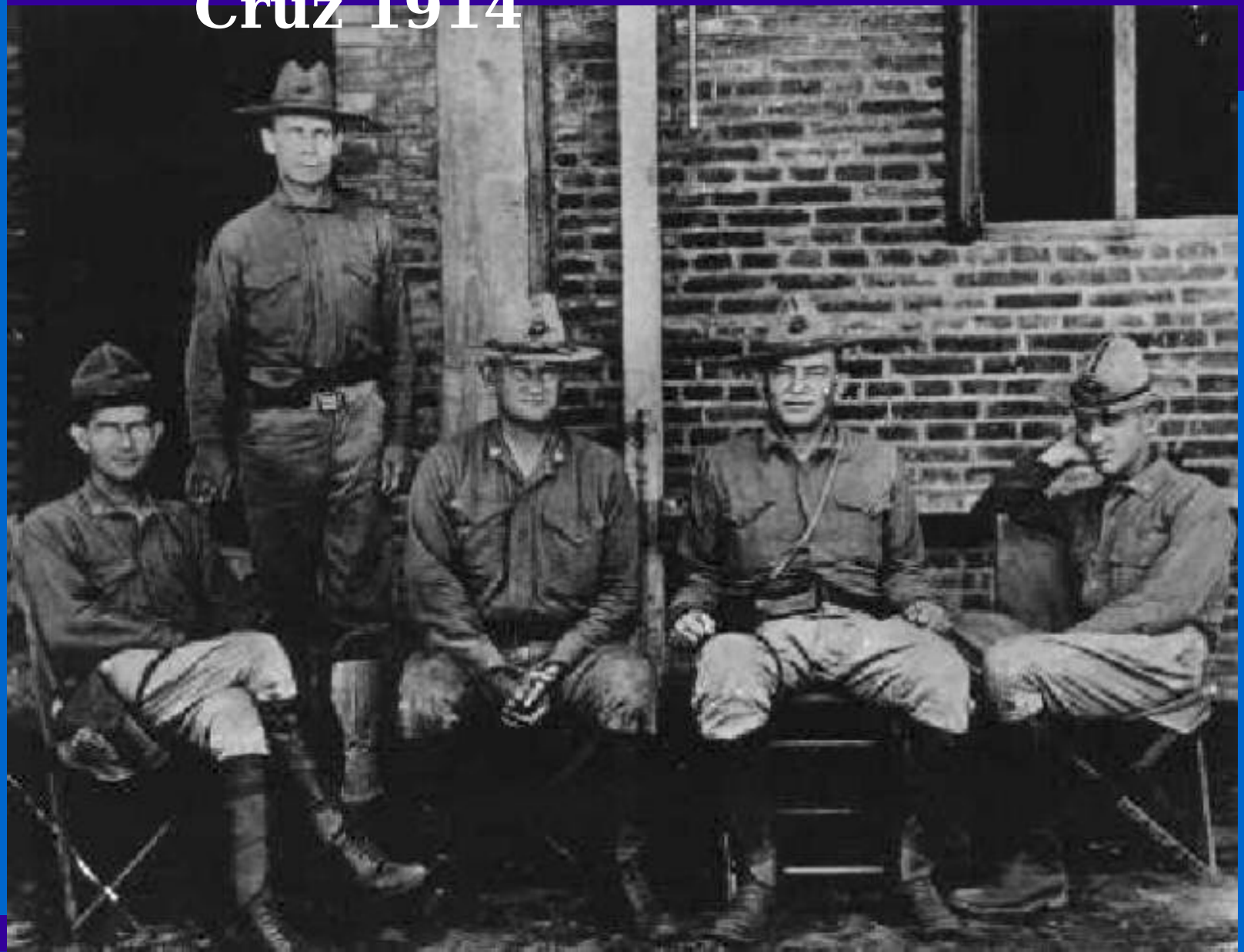
MARINES IN THE DOMINICAN REPUBLIC 1916-1924



HISTORICAL BRANCH G-3 DIVISION
HEADQUARTERS U.S. MARINE CORPS
WASHINGTON, D.C.

Marine Corps Valor
Policing The Caribbean
Haiti - 1915
Dominican Campaign
2nd Haitian Campaign
Nicaraguan Campaign

U. S. Marines inVera Cruz 1914



Port-au-Prince airport in Haiti on March 3, 2004

Agenda

- Current Situation
- Definitions
- Detention Categories
- Timelines for Processing
- Bases for Detention and Release
- Review by Magistrate for Continued Detention
- Types of Evidence Considered by Magistrate
- Coalition Provision Authority Forces Apprehension Form
- Evidence/Property Custody Form
- Sworn Statements
- Ground rules for Transfer of Detainees

Definitions

- **Criminal Detainee**: person detained solely because they are suspected of having committed a crime
- **Security Internee**: a civilian who is detained for security reasons
  - **Intelligence Detainee**: a person identified as having intelligence such that it merits further interrogation
- **Other Detainee**: person in custody who has not been classified as an EPW, a retained person, or a civilian internee
- **Retained Person**: one of the following types of enemy persons: member of the medical service, a chaplain, member of the ICRC/C
- **Serious Crime**: any crime punishable by more than 5 years confinement under the Iraqi Criminal Code of 1969. This includes: murder, rape, armed robbery, kidnapping, abduction, state infrastructure sabotage, car-jacking, assault causing bodily harm, arson, destruction of property valued >= $500, or inchoate offenses associated with the above

  - *CJTF-7 FRAGO 209*
  - *CJTF-7 Information Paper; 30 July 2003*

LEGAL BASIS

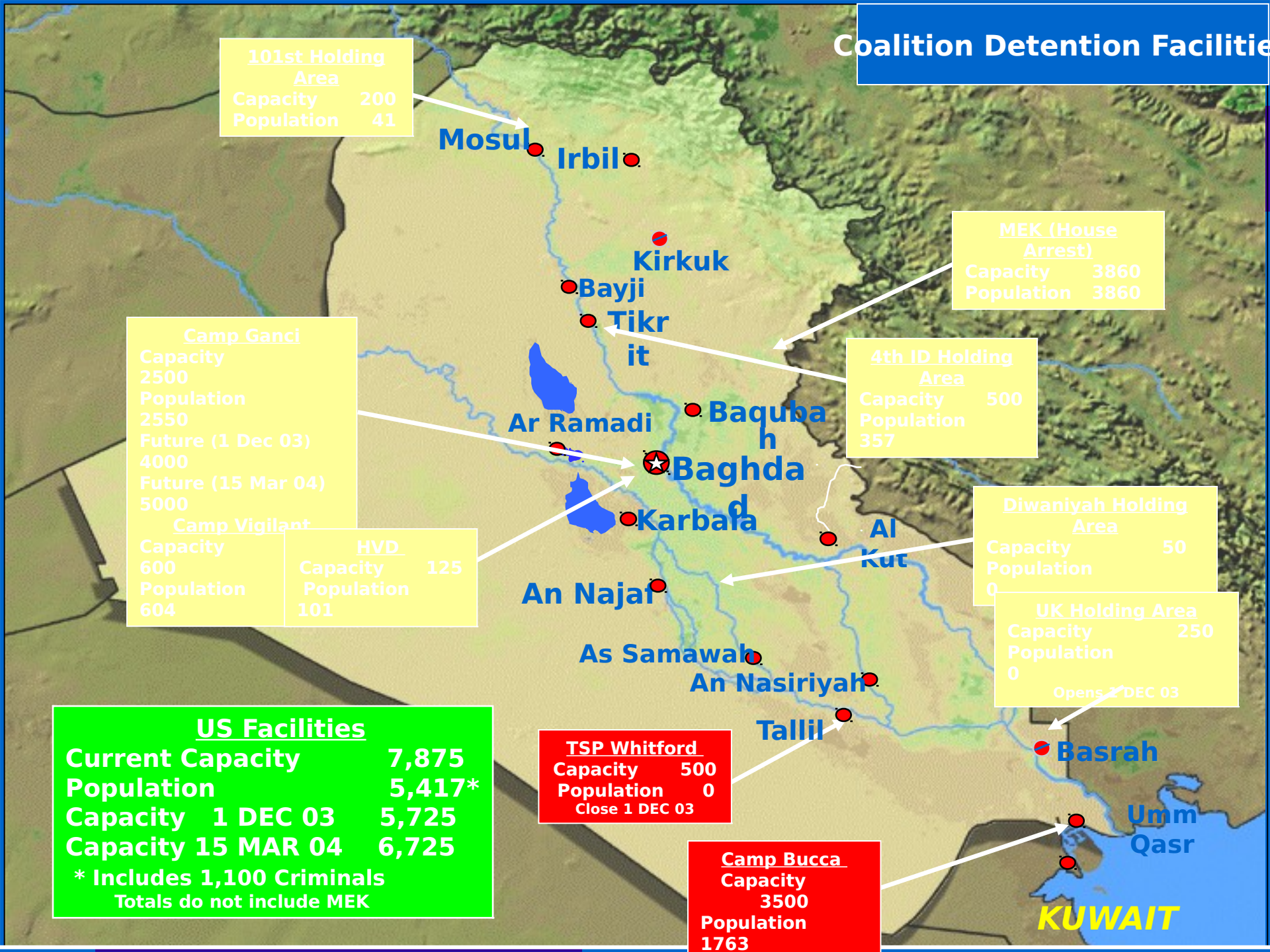
- GC IV, Article 78 for Security Internees: Held for “imperative reasons of security”
- Right to appeal
- Periodic review
  - 6 months “if possible”
  - By “a competent body”
- Security Internee v. Criminal Detainee

TYPES OF CIVILIAN INTERNEES

- Security Internees: Reasonable belief:
  - Threat to security/intelligence value
  - Crimes against coalition forces
  - HVDs (not classified as EPWs)
- Criminal Detainees: Probable cause:
  - Minor crimes (Iraqi victim)
  - Serious crimes (Iraqi victim)
  - Temporary hold; move out or to Iraqi system

APPREHENSION

- Resulting from:
  - Breach of Peace
  - Checkpoints
  - Cordon and Knock/Search Operations
  - BOLO Lists
  - Raids
  - Exigency/Hot Pursuit
- Unit delivers to nearest facility with supporting documents


Coalition Detention Facilitie
101st Holding Area
Capacity 200
Population 41
Mosul
Irbil
Kirkuk
Bayji
Tikrit
MEK (House Arrest)
Capacity 3860
Population 3860
Camp Ganci
Capacity 2500
Population 2550
Future (1 Dec 03) 4000
Future (15 Mar 04) 5000
Camp Vigilant
Capacity 600
Population 604
HVD
Capacity 125
Population 101
Ar Ramadi
Baqubah
Baghdad
Karbala
4th ID Holding Area
Capacity 500
Population 357
Al Kut
Diwaniyah Holding Area
Capacity 50
Population 0
An Najaf
UK Holding Area
Capacity 250
Population 0
Opens 2 DEC 03
As Samawah
An Nasiriyah
Tallil
Basrah
TSP Whitford
Capacity 500
Population 0
Close 1 DEC 03
Umm Qasr
Camp Bucca
Capacity 3500
Population 1763
KUWAIT
US Facilities
Current Capacity 7,875
Population 5,417*
Capacity 1 DEC 03 5,725
Capacity 15 MAR 04 6,725
* Includes 1,100 Criminals
Totals do not include MEK

MAGISTRATE CELL REVIEW

- Detainee Review Authority (DRA)
- Baghdad Central Confinement Facility (BCCF, a.k.a. Abu Ghraib)
  - OIC w/ 3 JAs, NCO, 27D, 2 Interpreters
- Review files w/in 72 hours of apprehension to determine status and recommend disposition
  - Security Internee
  - Criminal Detainee
  - EPW (Article 5 Tribunal)
- Serve internees with notice of appellate rights

MAGISTRATE CELL REVIEW

Detention for minor offenses

- DRA uses table to set release dates when probable cause exists

Offense	Maximum Detention
Curfew Violation	24 hours
Speeding/Other Traffic Violations	24 hours
Discharge of Weapon in City Limits	10 days
Drunk and Disorderly	10 days
Interference with Mission Accomplishment by Violating Lawful Order of Coalition Soldier in the Performance of Official Duties	14 days
Petty Theft (Theft of Item of Value of $20 or less)	14 days
Simple Assault	14 days

Detention Categories

- **Category A**: High level EPWs/Detainees, black list individuals, suspected war criminals, violators of UN resolutions, or individuals whose knowledge makes is necessary for *immediate*, specially qualified interrogation
- **Category A1**: Midlevel EPWs/Detainees, gray list, or other individuals whose knowledge makes it necessary for *quick* interrogation by operationally focused interrogators
- **Category B**: Non-Mid/High Level EPWs/Detainees who have enough information to merit *further* interrogation
- **Category C**: EPWs/Detainees who have information of immediate tactical value
- **Category D**: EPWs/Detainees with no information
- NOTES:
  - Initial categorization is made at battalion level

CJTF-7 FRAGO 455; 20 July 2003

Timelines

- Category A: Immediately transfer to special prison / confinement facility
- Category A1: Transfer to CCF within 24 hours of categorization
- Category B: Transfer to CCF NLT 72 hours of categorization
- Security Detainee: may be held longer than 72 hours before induction
- Iraqi on Iraqi Crime:
  - Maximum confinement times exist for various crimes
  - Transfer to Iraqi criminal system if possible

CJTF-7 FRAGO 455; 20 July 2003

Detention Notes

- **Current due process checks for detainees**:
  - All detainees will be treated with dignity and respect
  - Non-security detainee has the right to remain silent at induction
  - No detention without base-level paperwork and evidence
    - NOTE: Some detainees are being released because information known to US Military in the capturing unit is not preserved and delivered to detention facilities
  - Probable cause determination by JA within 72 hours of detention
  - Maximum detainment periods for criminal offenses (unless bound over by Iraqi court)
  - Six month review of security detainee
  - Appeal procedure in place
  - Parole possible

- **Detention Facilities**
  - Multiple facilities; multiple levels: Regimental, MEF, Central Confinement Facility
  - Prisons being constructed

CJTF-7 FRAGO 749, 24 July 2003; CJTF-7 Information Paper; 30 July 2003

Detainee Release Authorities

- **Generally**
  - Iraqi police are authorized to release anyone in their control
  - Release orders will be forwarded to a military magistrate for processing
- **Security/Intelligence Detainees**
  - May only be released with the joint approval of CJTF-7 G-2 (TBD) and military magistrate
  - Release authority for Black/White/Grey individuals is SECDEF
- **Criminals**
  - Full faith and credit is to be given to release orders form Iraqi courts for purely criminal detainees who are suspected of crimes against Iraqis
  - If detainee is suspected of a criminal offense against coalition forces release authority is joint approval of CJTF-7 G-2, NCIS field office, military magistrate, or as otherwise designated
  - Individuals suspected of a war crimes and/or other atrocities, release authority is through joint approval of TBD and NCIS SAC

Basis for Detention and Release

- Proper basis for initial detention include:

  Looting (theft/destruction of property)
  More serious common crimes (murder, rape, assault, arson, etc.)
  Offenses against coalition forces (e.g. hostile acts, heavy weapons possession, interference with mission), and
  Possession of information valuable to the coalition's mission Security

  Proper basis for release:

  Release is automatic after 21 days unless a review of their detention has occurred and continued confinement is deemed necessary by a military magistrate

Standard for Continued Detention Beyond 21 Days

Military magistrate deems continued confinement necessary if:

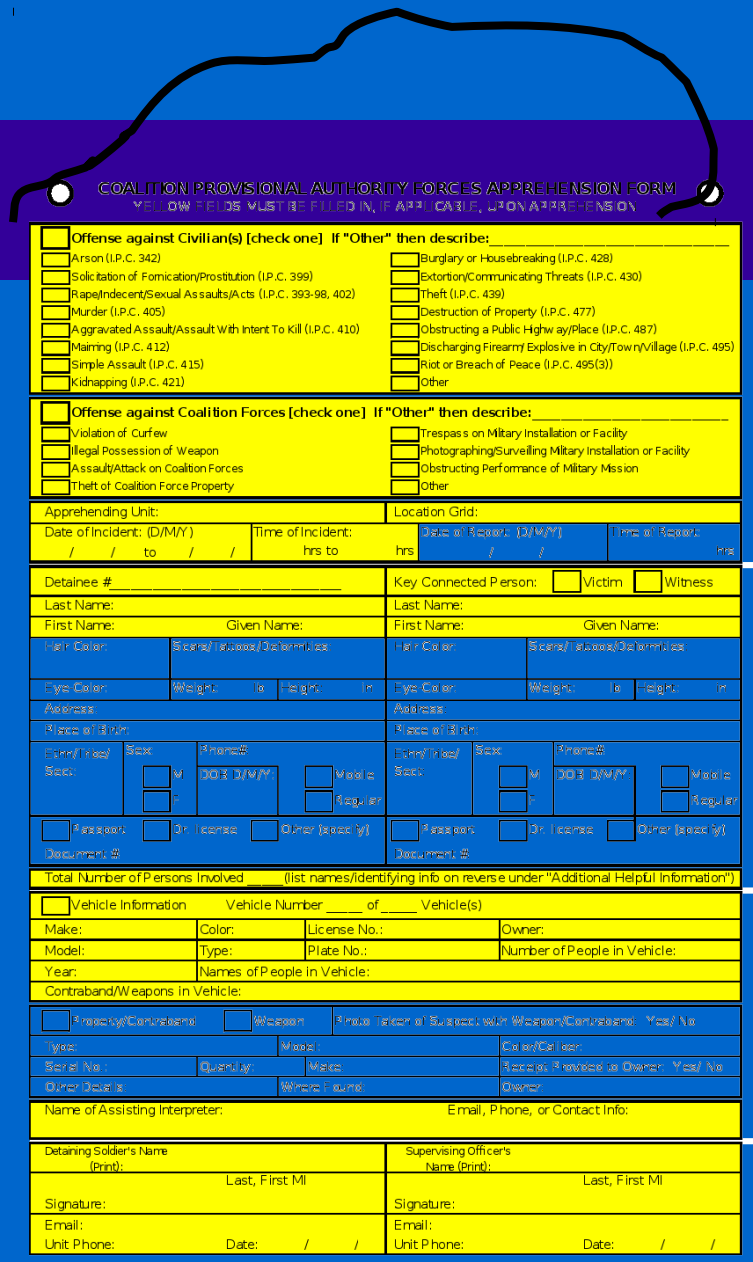
- probable cause that a crime has been committed or was about to be committed by, or with the aid of the detainee, or
- the detainee is interfering with, or
- is believed to possess information important to coalition mission accomplishment

Types of Evidence Considered by Magistrate

- Statements of Witnesses (preferably eyewitnesses) to Offense
  - "Testimonial Evidence"
  - **Sworn Statements are key as Iraqi Courts will accept these when a witness (i.e. Marine) cannot appear**
- Things connected to Offense (e.g., weapons, documents)
  - "Physical Evidence"
- Accurate sketches, photographs of scene
  - "Demonstrative Evidence"

Coalition Provisional Authority Forces Apprehension Form

- Intended to record information and preserve evidence
- Must be used in ALL cases
- Printed on tough, weatherproof cardstock
- Filled out with ball point pen
- Intended to be on the detainee from apprehension until arrival at MEF Holding Area
- Prompts tired or inexperienced Marine to provide needed specific information
- Employs block-checking where possible
- Yellow fields must be completed



COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

YELLOW FIELDS MUST BE FILLED IN, IF APPLICABLE, UPON APPREHENSION

☐ Offense against Civilian(s) [check one] If "Other" then describe:_____

☐ Arson (I.P.C. 342)
☐ Solicitation of Fornication/Prostitution (I.P.C. 399)
☐ Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402)
☐ Murder (I.P.C. 405)
☐ Aggravated Assault/Assault With Intent To Kill (I.P.C. 410)
☐ Maiming (I.P.C. 412)
☐ Simple Assault (I.P.C. 415)
☐ Kidnapping (I.P.C. 421)
☐ Burglary or Housebreaking (I.P.C. 428)
☐ Extortion/Communicating Threats (I.P.C. 430)
☐ Theft (I.P.C. 439)
☐ Destruction of Property (I.P.C. 477)
☐ Obstructing a Public Highway/Place (I.P.C. 487)
☐ Discharging Firearm/ Explosive in City/Town/Village (I.P.C. 495)
☐ Riot or Breach of Peace (I.P.C. 495(3))
☐ Other

☐ Offense against Coalition Forces [check one] If "Other" then describe:_____

☐ Violation of Curfew
☐ Illegal Possession of Weapon
☐ Assault/Attack on Coalition Forces
☐ Theft of Coalition Force Property
☐ Trespass on Military Installation or Facility
☐ Photographing/Surveilling Military Installation or Facility
☐ Obstructing Performance of Military Mission
☐ Other

Apprehending Unit:		Location Grid:	
Date of Incident: (D/M/Y) / / to / /	Time of Incident: hrs to hrs	Date of Report: (D/M/Y) / /	Time of Report: hrs

Detainee #_____		Key Connected Person: ☐ Victim ☐ Witness	
Last Name:		Last Name:	
First Name:	Given Name:	First Name:	Given Name:
Hair Color:	Scars/Tattoos/Deformities	Hair Color:	Scars/Tattoos/Deformities
Eye Color:	Weight: lb Height: in	Eye Color:	Weight: lb Height: in
Address:		Address:	
Place of Birth:		Place of Birth:	
Ethnicity/ Race:	Sex: ☐ M ☐ F DOB D/M/Y: ☐ Middle ☐ Regular	Ethnicity/ Race:	Sex: ☐ M ☐ F DOB D/M/Y: ☐ Middle ☐ Regular
☐ Passport ☐ Dr. License ☐ Other (specify) Document #:		☐ Passport ☐ Dr. License ☐ Other (specify) Document #:	

Total Number of Persons Involved ____ (list names/identifying info on reverse under "Additional Helpful Information")

☐ Vehicle Information Vehicle Number ____ of ____ Vehicle(s)

Make:	Color:	License No.:	Owner:
Model:	Type:	Plate No.:	Number of People in Vehicle:
Year:	Names of People in Vehicle:		
Contraband/Weapons in Vehicle:			

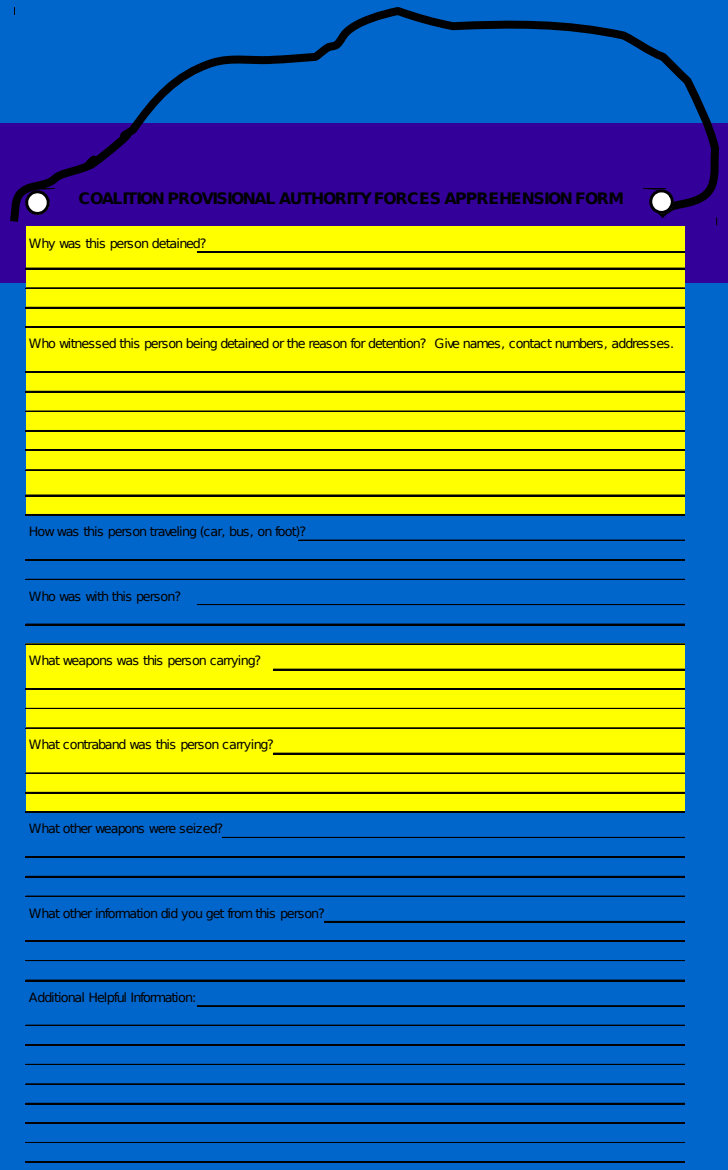
☐ Property/Contraband ☐ Weapon	Photo Taken of Suspect with Weapon/Contraband: Yes/ No	
Type:	Make:	Color/Caliber:
Serial No.:	Quantity:	Value:	Person Employed as Owner: Yes/ No
Other Details:	Where Found:	Owner:

Name of Assisting Interpreter: Email, Phone, or Contact Info:

Detaining Soldier's Name (Print): Last, First MI	Supervising Officer's Name (Print): Last, First MI
Signature:	Signature:
Email: Unit Phone: Date: / /	Email: Unit Phone: Date: / /

Coalition Provisional Authority Forces Apprehension Form--Backside

- Records the 6-Ws—who, what, when, where, why, witnesses
- Must put specific identification and location information about other witnesses
- Includes space for other valuable information
- Should reference seizure of physical evidence
- Should reference collection of sworn statements



COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

Why was this person detained?

Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses.

How was this person traveling (car, bus, on foot)?

Who was with this person?

What weapons was this person carrying?

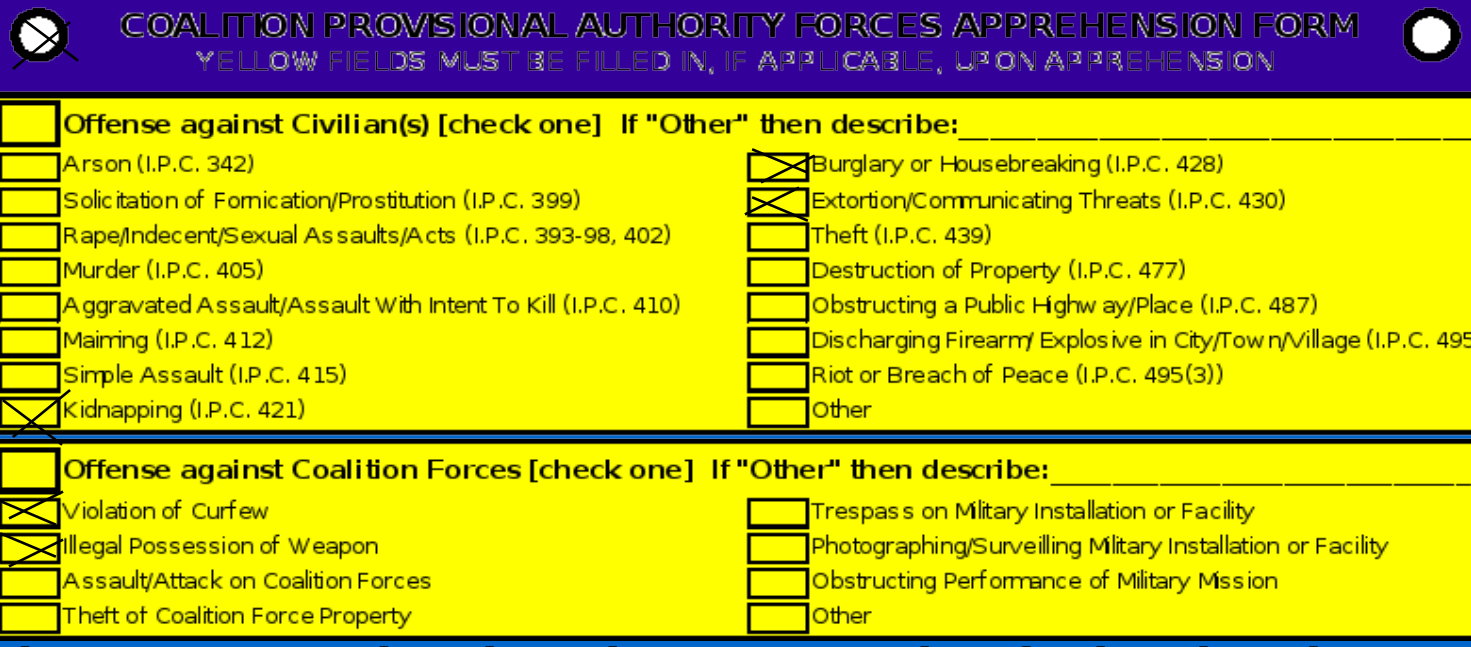
What contraband was this person carrying?

What other weapons were seized?

What other information did you get from this person?

Additional Helpful Information:

Form Instructions and Sample Completed Form



COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

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☐ Solicitation of Fornication/Prostitution (I.P.C. 399)	☒ Extortion/Communicating Threats (I.P.C. 430)
☐ Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402)	☐ Theft (I.P.C. 439)
☐ Murder (I.P.C. 405)	☐ Destruction of Property (I.P.C. 477)
☐ Aggravated Assault/Assault With Intent To Kill (I.P.C. 410)	☐ Obstructing a Public Highway/Place (I.P.C. 487)
☐ Maiming (I.P.C. 412)	☐ Discharging Firearm/ Explosive in City/Town/Village (I.P.C. 495)
☐ Simple Assault (I.P.C. 415)	☐ Riot or Breach of Peace (I.P.C. 495(3))
☒ Kidnapping (I.P.C. 421)	☐ Other

☐ **Offense against Coalition Forces [check one] If "Other" then describe:**_____

☒ Violation of Curfew	☐ Trespass on Military Installation or Facility
☒ Illegal Possession of Weapon	☐ Photographing/Surveilling Military Installation or Facility
☐ Assault/Attack on Coalition Forces	☐ Obstructing Performance of Military Mission
☐ Theft of Coalition Force Property	☐ Other

- Soldiers are apprehending detainees under the legal authority of the Coalition Provisional Authority for Iraq, which upholds Iraqi laws that remain valid and which prohibits offenses against Coalition Forces
- Apprehending soldier checks applicable offense(s) with ball point pen
- “Looting” is not a formal crime—it typically is some combination of Theft, Housebreaking, Destruction of Property, and Riot or Breach of Peace
- I.P.C. is the abbreviation for the Iraqi Penal Code of 1969

Form Instructions and Sample Completed Form

Apprehending Unit: 1st Plt/B Co/1/8Mar/IMEF		Location Grid: MB 43844 86940	
Date of Incident: (D/M/Y) 29 / 07 / 04 to 30 / 07 / 04	Time of Incident: 2350 hrs to 0010 hrs	Date of Report: (D/M/Y) 30 / 07 / 04	Time of Report: 0045 hrs

- Provide complete unit identification, down to platoon level
- Give full 10 digit grid, if PLGR available; otherwise extract 8 digit grid from mapsheet; street location and other location information should be provided on backside of form
- Provide precise date/time information. Space is provided if period of incident straddles midnight.

Form Instructions and Sample Completed Form

1MEF-JUL04-0255

Detainee # **Kubba**	Key Connected Person: ☐ Victim ☒ Witness
Last Name: **Ghaleb**	Last Name: **Razak**
First Name: Given Name:	First Name: **Fatimah Noor** Given Name:
Hair Color: **Black** / Scars/Tattoos/Deformities: **Fedayeen Tatoo on l. arm**	Hair Color: **Black** / Scars/Tattoos/Deformities: **1" White Scar on l. cheek**
Eye-Color: **Brown** Weight: **165** lb Height: **68** in	Eye-Color: **Green** Weight: **120** lb Height: **61** in
Address: **Rashid Municipality**	Address: **Karkh Municipality**
Place of Birth: **Tikrit**	Place of Birth: **Baghdad City**
Ethn/Tribe/Sect: **Sunni** / Sex: ☒ M ☐ F / Phone#: **unk** / DOB D/M/Y: **04/07/78** / ☐ Mobile ☐ Regular	Ethn/Tribe/Sect: **Shia** / Sex: ☒ M ☐ F / Phone#: **5152089** / DOB D/M/Y: **06/03/65** / ☒ Mobile ☐ Regular
☐ Passport ☒ Dr. license ☐ Other (specify) Document #: **9078588**	☐ Passport ☒ Dr. license ☐ Other (specify) Document #: **7878884**
Total Number of Persons Involved **4** (list names/identifying info on reverse under "Additional Helpful Information")	

- Detainee number is assigned by the MSC headquarters. This detainee is the 255th apprehended by 1st Marine Expeditionary Force in the month of July 04.
- Fill in all identifying information available.
- The "Key Connected Person" is the one other Iraqi person a judge could talk to in order to establish what happened. Fill in all identifying information for that person too

Form Instructions and Sample Completed Form

Vehicle Information	Vehicle Number 1 of 1 Vehicle(s)		Owner: Ghaleb Kubba
Make: Kamaz	Color: Red	VIN: XJGB98665B73367G1	
Model: 4326	Type: Truck	Plate No.: 999B0214 122008	Number of People in Vehicle: 1
Year: 1982	Names of People in Vehicle: Ghaleb Kubba		
Contraband/Weapons in Vehicle: AK-47			

- Vehicles can provide important evidence
- Fill in all identifying information available

Form Instructions and Sample Completed Form

☒ Property/Contraband ☒ Weapon		Photo Taken of Suspect with Weapon/Contraband: Yes / No
Type: **Auto Asslt Rifle**	Model: **AK-47**	Color/Caliber: **7.62mm**
Serial No.: **1357007** Quantity: **1**	Make: **Kalashnikov**	Receipt Provided to Owner: Yes / No
Other Details: **3 notches in stock**	Where Found: **Red Kamaz**	Owner: **unk**

- Weapons are crucial evidence that must be identified and then separately marked and backhauled
- If time and circumstances permit, a separate Property/Custody document will be filled out pertaining to seized weapons

Form Instructions and Sample Completed Form

Name of Assisting Interpreter: **Mahid al Halaf**	Email, Phone, or Contact Info: **4228616**
Detaining Soldier's Name (Print): **Schmatz, Sgt Jack S.**	Supervising Officer's Name (Print): **Gregg, 1Lt Phillip E.**
Signature: **Jack S. Schmatz** (Last, Rank, First, MI)	Signature: **Phillip E. Gregg** (Last, Rank, First, MI)
Email: **jack.schmatz@us.usmc.mil**	Email: **phillip.gregg@us.usmc.mil**
Unit Phone: **551-0552** Date: **07/ 30 /04**	Unit Phone: **551-0516** Date: **07/ 30 /04**

- Identify the interpreter, if any, who assisted in collecting information. Ensure contact information is captured
- The one soldier who was most involved in taking the person into custody prints his name and contact information on the lower left of the CPA Forces Apprehension Form and signs
- The first commissioned officer in the detaining soldier's chain of command prints his name and contact information on the lower right of the CPA Forces Apprehension Form and signs

Form Instructions and Sample Completed Form

How was this person detained (car, foot, on duty)?

Who was with this person?

What weapons was this person carrying?

At approx 292350 Jul, 1st Platoon was conducting a patrol in Zone 1. Sgt Schmatz heard a woman yelling and upon turning the corner saw the woman pointing to a neighboring building. He then saw D running from the building carrying what looked like electrical wiring and light fixtures. Pfc Schmatz and crew of his M1114 chased D, who ran to a red truck, reached in, and then fired a burst of 5-8 rounds from a rifle he pulled out.

What contraband was this person carrying?

What other information did you gather from this person?

The woman who yelled to Sgt Schmatz was Fatimah Noor Razak, who had seen D break the door and then rip out the light fixtures and all electrical wiring from the neighboring house, which was empty at the time. Razak's two minor children, Anwar Abdul Razak (18) and Amed Ali Razak (16) also witnessed part of D's activities in the neighboring house. In addition to the three members of the Razak family, three other soldiers who were with Sgt Schmatz saw parts of the chase and apprehension of D. These were Pfc Jason K. Bull, Cpl Harvey L. Wilkshire, and Pvt Herman L. Mulville, all of the same platoon and contact information as Sgt Schmatz.

Additional Helpful Information:

- Provide the reason for the detention in a brief narrative
- Ensure that all key witnesses are identified

Form Instructions and Sample Completed Form

How was this person traveling (car, bus, on foot)?	**By foot. He appears to have arrived in the area by vehicle.**
Who was with this person?	**No one. He appears to have been acting on his own.**

- In the sample case, the individual detained is a lone offender
- When two or more individuals are acting together, it is important to annotate this and to identify other detainees by detainee number

Form Instructions and Sample Completed Form

What weapons was this person carrying?	**AK 47, which was fired at coalition forces. See front.**
Upon search of the vehicle, an RPG was found. Both the rifle and the RPG were evacuated to the IMEF Holding Area and evidence/custody forms were completed and annotated with detainee number.	
What contraband was this person carrying?	**Stolen electrical fixtures and wiring. Arms were full.**
with a tangle of wires and light sockets. D's capture was made easier because he could not move as quickly with full arms. The property was evacuated with the detainee and tagged with an evidence/custody form and the detainee number.	

- Any additional weapons, not mentioned on the front should be described on the back side
- Describe other contraband or evidence. Annotate whether Evidence/Property Custody Documents (DA Forms 4137) have been completed and ensure that evidence is linked to the detainee by marking with detainee number

Form Instructions and Sample Completed Form

COALITION PROVISIONAL AUTHORITY FORCES APPRENSION FORM

Why was this person detained?

RPG, from vehicle.

Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses.

Fatimah Noor Razak and her two sons, Anwar Abdul Razak and Ahmed Ali Razak had excellent [illegible] of events. They stated that D had torn down the door to the home next door to theirs at around 2330 and that he proceeded to rip out ceiling tiles to get at the electrical wires. They were able to see his actions through a broken, uncovered window directly across the alleyway between houses. The Razak family is from this part of Baghdad City and has no intention of relocating, so they should be reachable as witnesses for the medium term. They can identify D by face and by the tatoo he has on his left arm. They can also identify the weapon he carried (it contained 3 notches on it) and the bundle of wires and fixtures he removed from the house. Finally, they can remember the car he ran to and the weapon he retrieved and fired. DA Form 2823 Sworn Statement was provided by Fatimah.

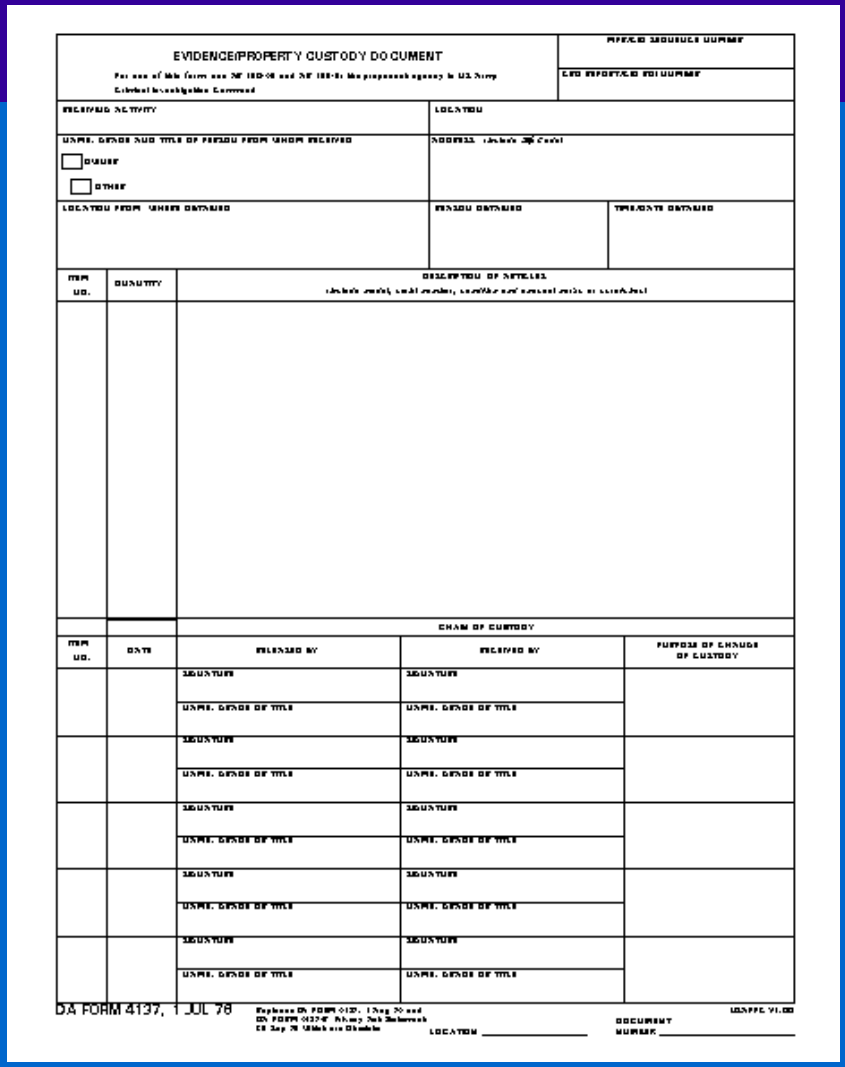
Who was with this person?

What weapons was this person carrying?

- Be sure to describe any likely defenses or extenuation/mitigation the detainee might raise
- If there is no evidence to support such defenses or extenuation/mitigation, say so

DA Form 4137—Evidence/Property Custody Document

- Records the seizure of evidence associated with a crime
- Captures date-time of seizure, as well as any transfers in custody
- Ensures that transfers are controlled and recorded
- Standard Army Form; should stay with the evidence until signed for at detention facility evidence room



EVIDENCE/PROPERTY CUSTODY DOCUMENT

PREVIOUS ISSUANCES OBSOLETE

RECEIVING ACTIVITY | LOCATION

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED | ADDRESS

OWNER | OTHER

LOCATION FROM WHERE OBTAINED | REASON OBTAINED | TIME/DATE OBTAINED

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE	
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE	
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE	
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE	
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE	

DA FORM 4137, 1 JUL 78 | LOCATION | DOCUMENT NUMBER

Form Instructions and Sample Completed Form

EVIDENCE/PROPERTY CUSTODY DOCUMENT	Detainee #
	1MEF-JUL04-0255

RECEIVED FROM	LOCATION
B Co, 2-6 Inf, 1st Armored Div	Baghdad City MB 43844 86940

NAME, ORGN AND TITLE OF PERSON FROM WHOM RECEIVED	ADDRESS (Include Zip Code)
☐ OWNER ☒ OTHER Individual with no evidence of ownership who used weapon in furtherance of a crime.	Karkh Municipality of Baghdad. Residential Area at above grid location. Zone 1.

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
Surrendered by Detainee Ghaleb Kubba, # 1AD-JUL03-0255 near his vehicle, a red 1982 Kamaz Truck.	Wpn was being fired at coalition forces.	0010 hrs, 30 Jul 03.

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include serial, model numbers, condition and unusual marks or characteristics)
1	1	Automatic Assault Rifle, 7.62mm, AK-47, serial number 1357007; has three linear notches in wooden stock.
2	1	Magazine for AK-47; in well of rifle upon seizure.
3	8	7.62 live ball ammunition rounds. In magazine upon seizure.
4	7	Electrical wires; total of 70 feet (10 feet of wire per bundle).

- Use detainee number in upper right hand corner to identify the case the evidence is connected with
- Use 1 form for all evidence seized

Form Instructions and Sample Completed Form

		CHAIN OF CUSTODY		
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1,2, 3,4	30 Jul 04	SIGNATURE Jack S. Schmatz NAME, GRADE OR TITLE Schmatz, Sgt Jack S.	SIGNATURE Owen W. Smith NAME, GRADE OR TITLE Smith, SSgt Owen W.	Transfer to Bn Holding Cell
1,2, 3,4	30 Jul 04	SIGNATURE Owen W. Smith NAME, GRADE OR TITLE Smith, SSgt Owen W.	SIGNATURE Benjamin R. Freemyer NAME, GRADE OR TITLE Freemyer, Sgt Benjamin R.	Transfer to MEF Holding Cell
1,2, 3,4	31 Jul 04	SIGNATURE Benjamin R. Freemyer NAME, GRADE OR TITLE Freemyer, Sgt Benjamin R.	SIGNATURE Jeremy K. Roller NAME, GRADE OR TITLE Roller, GySgt Jeremy K.	Transfer to MEF Evidence Custodian
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	

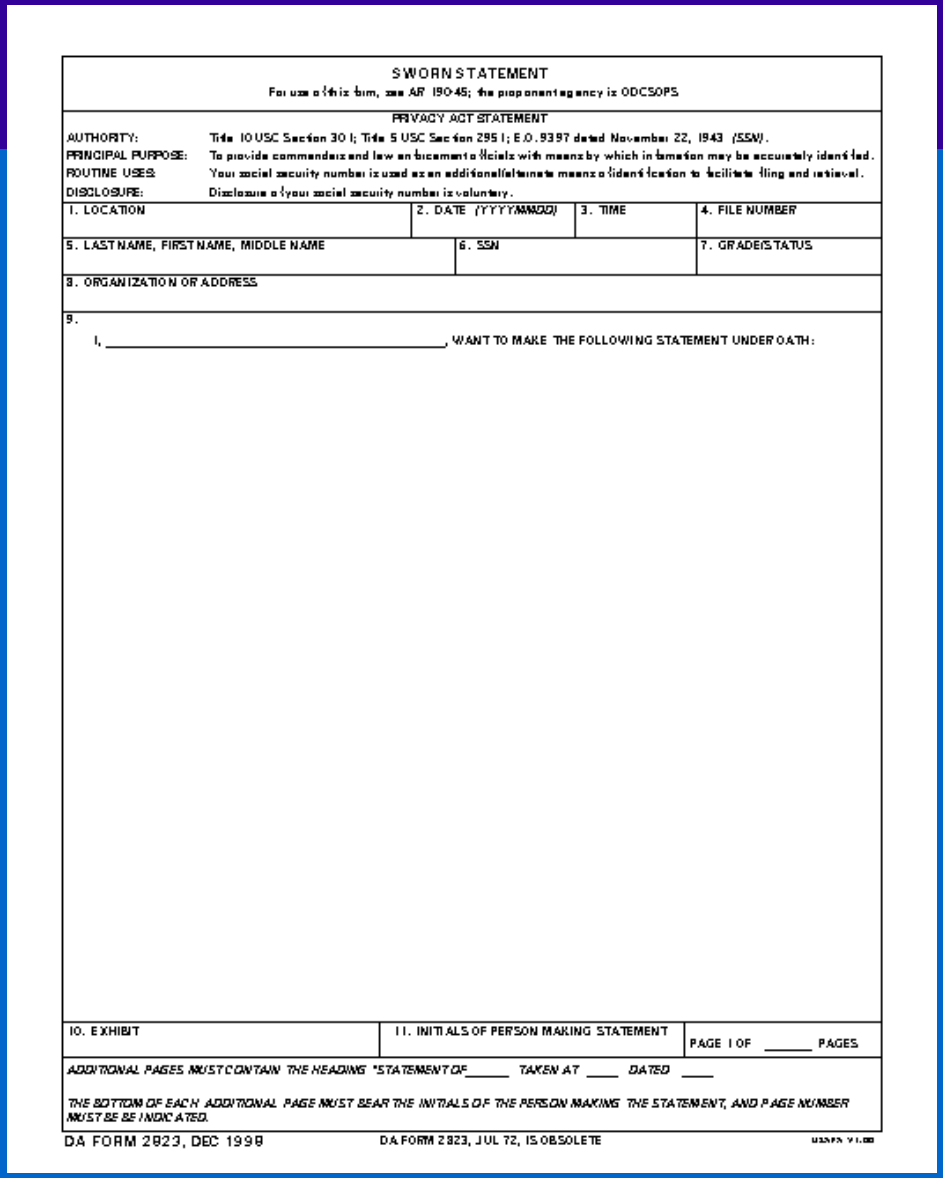
DA FORM 4137, 1 JUL 78 Replaces DA FORM 4137, 1 Aug 70 and DA FORM 4137-R, 1 May 74, which are Obsolete. USAPPC V1.00

LOCATION _____ DOCUMENT NUMBER _____

- Record who is in custody of evidence as it is backhauled to the MEF Holding Area, with signatures

DA Form 2823—Sworn Statement

- Records what witnesses, saw, heard, felt, and smelled.
- Should answer the 6 W's —who, what, when, where, why, and witnesses.
- Should answer the question, "did [the detained individual] commit a crime?"
- Sworn to be the truth before a commissioned officer
- NOTE: Not required for



SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN		7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS			

9.

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF_____ TAKEN AT ____ DATED ____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

Form Instructions and Sample Completed Form

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 3013; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Baghdad City MB 43844 86940	20040730	0130	1MEF-JUL04-0255

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
Schmatz, Jack Steven	216-87-9090	E-5

8. ORGANIZATION OR ADDRESS

1st Plt, B Co, 1/8 Mar, 1MEF

9.

I, Jack Steven Schmatz, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approx 292350 Jul, my platoon was conducting a patrol in Zone 1. I heard a woman yelling and upon turning the corner saw the woman pointing to a neighboring building. I then saw a man running from the building carrying what looked like electrical wiring and light fixtures. I and my team chased the man in our up-armored HMMWV. He ran to a red truck, though he was slowed by all of the things he was carrying, and he dropped a few of the wires while running. When he got to the red truck, he reached in the window of the cab and pulled out a rifle. He shot a burst—it seemed like 5 to 8 rounds—at us, but none of the rounds impacted our vehicle. We returned fire, and he threw the weapon down and put his hands up. We took him prisoner and searched him. We then interviewed the woman who had yelled—a Mrs. Fatimah Noor Razak. She said that she saw the man break into the house neighboring hers at about 2330 and begin to rip out all of the electrical wiring. The man had an identification card that said his name was Ghaleb Kubba. He asked us not to hurt him, and he said his name was Kubba

Form Instructions and Sample Completed Form

AFFIDAVIT

I, Jack Steven Schmatz, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Jack S. Schmatz
(Signature of Person Making Statement)

WITNESSES:

Henry P. Shilling
Henry P. Shilling
Sgt, 1st Plt, B Co, 1/8 Mar.
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of July, 2003 at

Phillip E. Gregg
(Signature of Person Administering Oath)

Phillip E. Gregg,
(Typed Name of Person Administering Oath)

1Lt
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
JSS

PAGE 2 OF 2 PAGES

PAGE 3, DA FORM 2823, DEC 1998

- Have witnesses swear to the truthfulness of the statement before a commissioned officer or MP and 1 witness

Ground Rules for Transfer of Detainees

- Leaders must be trained in the basics of preserving evidence. MSCs will conduct training for all leaders down to and including platoon commander/squad leader level
- CPA Forces Apprehension Form must be completed before custody of detainee is transferred to any other unit or to detention facility
- Detainee number is printed on CPA Forces Apprehension Form prior to any transfer between MSCs (i.e., MEF to Regional Authority); it is also printed on any DA Forms 4137 and 2823

QUESTIONS